

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
CHUBB & SON INC., et al., |  
Plaintiffs, |  
- against - |  
MICHAEL J. KELLEHER, et al., |  
Defendants. |  
-----X  
CHUBB & SON INC., et al., |  
Plaintiffs, |  
- against - |  
JAMES KELLEHER, et al., |  
Defendants. |  
-----X  
AMON, United States District Judge.

NOT FOR PUBLICATION  
MEMORANDUM AND ORDER

92 CV 4484 (CBA)

95 CV 0951 (CBA)

On February 8, 2007, the Court referred these cases to the Honorable Robert M. Levy, United States Magistrate Judge, for a Report and Recommendation on claimant Alegra Rishty-Shweky's motion for annulment and cancellation of attachment of property. Judge Levy issued a Report and Recommendation on June 25, 2007 which concludes that Rishty-Shweky is not permitted under N.Y. C.P.L.R. § 6221 to challenge the attachment because she has no property interest in the attached funds, as she assigned her interest pursuant to a divorce settlement with defendant Ezra Rishty. The Report recommends that claimant Rishty-Shweky's motion be denied.

Judge Levy's June 25, 2007 Report also recommends that plaintiffs' Chubb & Son Inc., Federal Insurance Company, Vigilant Insurance Company, and Sea Insurance Company of

America (collectively “Chubb”) motion for leave to execute its judgement be granted.

Because no party has objected, the Court hereby adopts as its opinion the portion of the June 25, 2007 Report and Recommendation that addresses claimant Risty-Shewky’s motion for annulment and cancellation of the attachment of property. Rishty-Shewky’s motion is denied. At this time, the Court declines to adopt the portion of the June 25, 2007 Report on Chubb’s motion to execute its judgement. The Court notes that a motion to vacate the judgment has been filed by defendant Ezra Rishty and the motion is pending before Judge Levy. The Court will consider Chubb’s motion to execute the judgment after Judge Levy has issued his Report and Recommendation on Ezra Rishty’s motion to vacate.

The Clerk of the Court is directed to enter judgment in accordance with this order.

SO ORDERED.

Dated: Brooklyn, New York  
September 26, 2007

Carol Bagley Amon  
United States District Judge